42. The jacket stent of claim 29 wherein the jacket is a thinned layer of tissue having a thickness of about 0.05 mm to about 0.20 mm.

43. The stent assembly of claim 1 wherein the tissue surface is a cut surface formed by removal of the outer layer of tissue by a method selected from the group consisting of peeling and shaving.

44. The stent assembly of claim 43 wherein the cut surface extends along a length of the jacket, so that the jacket has a reduced outer diameter along the length of the jacket .

REMARKS

Applicant has preliminarily amended claim 1 to call for an expandable stent with a cylindrical jacket formed of biocompatible, non-thrombogenic material, the cylindrical jacket comprising a thinned layer of tissue having a cut surface formed from removal of an outer layer of the tissue. In copending parent application U.S. Serial No. 09/154,034, the Examiner rejected claim 1 calling for a stent assembly having a cylindrical jacket comprising a thinned layer of heterologous tissue having a cut surface formed from removal of an outer layer of the tissue, the removed outer layer being the same type of tissue as the thinned layer of tissue, as anticipated by Rawlings et al (WO 97/12563, stating that the acellular matrix of Rawlings et al. is thinned to the extent required by the claims because extraction and removal of tissue cells on at least the outer surface is done via surfactants and other agents. However, Rawlings et al. does not disclose or suggest a

jacket for a stent comprising a thinned layer of tissue having a surface formed by removal of an outer layer of the tissue. In contrast, Rawlings et al., discloses the a stent jacket formed from extracellular matrix of a vessel such as arteries and veins, ducts and conduits. In Rawlings et al., an outer layer of the tissue is not removed from the jacket tissue, and there is no indication in Rawlings et al. that the extraction process thins the vessel to result in a thinned layer of tissue. Brendel et al. (4,801,299) incorporated by reference in Rawlings et al. does not disclose or suggest thinning a vessel such as an artery or vein by removal of an outer layer of the vessel tissue. Moreover, claim 43 requires a cut surface formed by removal of the outer layer of tissue by a method selected from the group consisting of peeling and shaving.

Applicant has preliminarily amended claim 29 to call for an expandable jacketed stent and a jacket formed of tissue on an outer surface of the stent in a wrapped configuration configured to unwrap as the stent expands. In the '034 application, the Examiner rejected claim 31 calling for a jacket in a wrapped configuration configured to unwrap as the sent expands, as anticipated by Love (WO 97/24081, stating that the overlapping layers of tissue of Love, when unattached, allow expansion to the larger size. However, Love discloses that the overlapped layers of tissue are held together by various means including the tubular support frame, adhesives, laser welding and suturing (page 12, lines 6-20). Love discloses that the leakage from the tubular tissue is prevented by overlapping the adjacent edges (page 12, lines 1-2). Thus, Love does not disclose or suggest a jacket configured to unwrap as the stent expands.

Applicant submits that the pending claims define patentable subject matter, and respectfully requests consideration and an early allowance thereof.

Respectfully submitted,

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